

# **APPENDIX C**

## **Historical Background of the Basin Plan Point Source Waste Discharge Prohibitions**

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In 1971, the Regional Water Board adopted two interim basin planning documents; the *Interim Water Quality Control Plan for the Klamath Basin 1-A* and the *Interim Water Quality Control Plan for the North Coastal Basin I-B* (Interim Plans). The point source prohibitions were included in the original Interim Plans and have been carried through to the present Basin Plan.

The current Basin Plan point source waste discharge prohibitions language is presented below in its entirety.

### **POINT SOURCE WASTE DISCHARGE PROHIBITIONS**

Section 13243 of the Porter-Cologne Water Quality Control Act authorizes the Regional Water Board – in a water quality control plan or in waste discharge requirements - to specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted.

Under this authority and in order to achieve water quality objectives, protect present and future beneficial water uses, protect public health, and prevent nuisance, the Regional Water Board declares that point source waste discharges, except as stipulated by the Thermal Plan, the Ocean Plan, and the action plans and policies contained in the Point Source Measures section of this Water Quality Control Plan, are prohibited in the following locations in the Region:

#### **Klamath River Basin**

1. All surface, freshwater impoundments and their tributaries, with the exception of the lower Lost River system.
2. Crescent City Harbor and all estuaries in accordance with the provisions of the State Water Board's "Water Quality Control Policy for the Enclosed Bays and Estuaries of California."
3. Smith River and its tributaries.
4. Klamath River and its tributaries, including but not limited to the Trinity, Salmon, Scott, and Shasta rivers and their tributaries.
5. The Applegate, Illinois, and Winchuck rivers and their tributaries.
6. On all coastal streams and natural drainage ways that flow directly to the ocean, all new discharges will be prohibited. Existing discharges to these
7. waters will be eliminated at the earliest practicable date.
8. All intertidal reaches of the coast.
9. Areas of Special Biological Significance.
10. All other tidal waters unless it is demonstrated on the basis of waste characteristics, degree and reliability of treatment, rate of mixing and dilution, and other technical factors that water quality objectives will be met and all beneficial uses will be protected.

### **North Coastal Basin**

1. All surface fresh water impoundments and their tributaries.
2. All bays and estuaries in accordance with the provisions of the State Water Resources Control Board's "Water Quality Control Policy for the Enclosed Bays and Estuaries of California".
3. The Mad and the Eel rivers and their tributaries during the period May 15 through September 30 and during all other periods when the waste discharge flow is greater than one percent of the receiving stream's flow as set forth in NPDES permits.<sup>1</sup> (Footnote 1 For dischargers not in compliance with the seasonal prohibition and waste discharge rate limitation, time schedules shall be set forth in National Pollutant Discharge Elimination System (NPDES) permit updates for each discharger. In addition, each discharger not in compliance shall report to the Regional Water Board on progress towards compliance on an annual basis.
4. The Russian River and its tributaries during the period of May 15 through September 30 and during all other periods when the waste discharge flow is greater than one percent of the receiving stream's flow as set forth in NPDES permits. In addition, the discharge of municipal waste during October 1 through May 14 shall be of advanced treated wastewater in accordance with effluent limitations contained in NPDES permits for each affected discharger, and shall meet a median coliform level of 2.2 mpn/100 ml.<sup>2</sup> (Footnote 2 For dischargers not in compliance with the waste discharge rate limitation and/or advanced wastewater treatment, time schedules shall be set forth in NPDES permit updates for each discharger. In addition, each discharger not in compliance shall report to the Regional Water Board on progress towards compliance on an annual basis.)
5. The Regional Water Board will consider exceptions for cause to the waste discharge rate limitations set forth in Prohibitions 3. and 4. (above). Exceptions shall be defined in NPDES permits for each discharger, on a case by case basis, and in accordance with the following:
  - A. The wastewater treatment facility shall be reliable. Reliability shall be demonstrated through analysis of the features of the facility including, but not limited to, system redundancy, proper operation and maintenance, and backup storage capacity to prevent the threat of pollution or nuisance.
  - B. The discharge of waste shall be limited to rates and constituent levels which protect the beneficial uses of the receiving waters. Protection shall be demonstrated through analysis of all the beneficial uses of the receiving waters. For receiving waters which support domestic water supply (MUN) and water contact recreation (REC1), analysis shall include expected normal and extreme weather conditions within the discharge period, including estimates of instantaneous and long-term minimum, average, and maximum discharge flows and percent dilution in receiving waters. The analysis shall evaluate and address cumulative effects of all discharges, including point and nonpoint source contributions, both in existence and reasonably foreseeable. For

receiving waters which support domestic water supply (MUN), the Regional Water Board shall consider the California Department of Health Services evaluation of compliance with the Surface Water Filtration and Disinfection Regulations contained in Section 64650 through 64666, Chapter 17, Title 22 of the California Code of Regulations.

Demonstration of protection of beneficial uses shall include consultation with the California Department of Fish and Game regarding compliance with the California Endangered Species Act.

- C. The exception shall be limited to that increment of wastewater which remains after reasonable alternatives for reclamation have been addressed.
  - D. The exception shall comply with State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California," and the federal regulations covering antidegradation (40 CFR§131.12).
  - E. There shall be no discharge of waste during the period May 15 through September 30.
- 6. On all other coastal streams and natural drainageways that flow directly to the ocean all new discharges will be prohibited. Existing discharges to these waters will be eliminated at the earliest practicable date.
  - 7. All intertidal reaches of the coast.
  - 8. Areas of Special Biological Significance.
  - 9. All other tidal waters unless it is demonstrated on the basis of waste characteristics, degree and reliability of treatment, location of discharge, rate of mixing and dilution, and other technical factors that water quality objectives will be met and all beneficial uses will be protected.

### **Summary of Basin Plan Point Source Prohibition History**

A review of the original research documents prepared to support the development of the Basin Plan reveals that the original focus of the point source prohibitions was on discharges from municipal wastewater treatment facilities. The pre-Basin Plan research documents contain evaluations of the municipal wastewater treatment facilities in each watershed and each section ends with the concluding statement, "The Board does not intend to allow any direct discharges to any of the streams in the drainage" or "The Board intends to prohibit direct discharge of effluent to streams in the drainage."

Similarly, the *Interim Plan for the North Coastal Basin I-B* describes the rationale for establishing the point source prohibitions as follows:

"First, failure to meet objectives would threaten very significant beneficial uses; and second, the terms of the point source prohibitions are currently being met by all or a majority of potential dischargers or can be met by all with methods that are available under the current "state of the art".

The *Interim Plan for the Klamath Basin I-A* contained a year-round prohibition of waste discharge and the *Interim Plan for the North Coastal Basin I-B* contained a prohibition of waste discharge in the Mad, Eel, and Russian Rivers (excluding the Laguna de Santa Rosa) during the period of May 15 through September 30 and all other periods when the receiving stream's flow is less than 100 times greater than the waste flow. For the Laguna de Santa Rosa, the Interim Plan set forth, in its implementation section, a May 14, 1974 date for the elimination of the discharge of domestic waste during the period of May 15 through September 30 and all other periods when the Russian River's flow is less than 1000 cubic feet per second (cfs). The seasonal portion of the point source prohibition is based on the need to protect beneficial uses, in particular recreation, in the streams during the summer months. The dilution requirement was based both on the quality of the effluent being discharged and guidelines for sewage disinfection developed by the California State Department of Health in 1972 and 1980. The *Interim Plan for the North Coastal Basin I-B* contained a year-round point source prohibition for all other waterbodies.

There have been several amendments over the years that clarify implementation of the point source prohibitions, including two amendments in 1986, one amendment in 1987 and one in 1994. All of the amendments retained the point source prohibitions and two of the amendments provided specific exceptions to the point source prohibitions.

The first 1986 amendment, adopted on June 27, 1986 by Resolution No. 86-121 added an Interim Action Plan (1986-1990) for the Russian River that contained provisions for the City of Santa Rosa to achieve advanced wastewater treatment (AWT) and for the City to obtain exception to the one percent discharge prohibition under specific conditions. The second 1986 amendment, adopted on August 28, 1986, by Resolution No. 86-148, added a Long-Range Action Plan (post 1990) for the Russian River Basin requiring AWT for all discharges of municipal waste to the Russian River and provided a definition of AWT.

The 1987 amendment, adopted on May 28, 1987 by Resolution No. 87-58 was adopted to address issues that the State Water Board raised during their approval of the Long-Range Action Plan amendment. The State Water Board requested that clarity be provided on what type of waste discharge was to be limited during the May 15 through September 30 discharge prohibition period. The 1987 amendment clarified that the Regional Water Board had intended the prohibition applied to municipal discharges.

The 1994 amendment, adopted on March 24, 1994, by Resolution No. 94-49 clarified that the discharge of waste to the Mad, Eel, and Russian Rivers and their tributaries:

1. Is prohibited during the period of May 15 through September 30, and
2. Is limited to one percent of the receiving stream's flow during October 1 through May 14.

The 1994 amendment also added a procedure for dischargers to follow in applying for an exception to the one percent dilution requirement for the Mad, Eel, and Russian rivers.

An additional modification to the point source prohibitions was adopted by the Regional Water Board in 1989 as part of the *Interim Action Plan for Cleanup of Groundwaters Polluted with Petroleum Products and Halogenated Volatile Hydrocarbons*. This Action Plan specifies that discharges of waste from treatment facilities designed to remove pollutants from groundwaters polluted with petroleum products and halogenated hydrocarbons are permitted to surface waters of the North Coast Region year-round with no discharge flow limitations as long as specific conditions as outlined in the Action Plan are met.